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Attorney Docket No.: MCRVT-023C

#75  
6-1-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Horton, et al. )  
Application No. 09/758,832 )  
Filed: January 11, 2001 )  
For: Insitu Formable and Self-Forming )  
Intravascular Flow Modifier (IFM) and )  
IFM Assembly, for Deployment of Same )

Art Unit: 8538

Examiner: Thaler, M.

Commissioner for Patents  
Washington, D.C. 20231

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**RESPONSE TO OFFICE ACTION DATED MARCH 5, 2002**

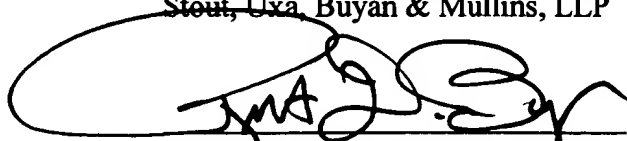
Dear Sir:

In response to the Office Action dated March 2, 2002, Applicant provisionally elects, without traverse, the species of Figure 12 wherein the intravascular flow modifier is of generally tubular configuration when expanded. Applicant understands that the currently pending independent claims are generic. Currently pending Claims 103-131 read on the provisionally elected species.

The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No. 50-0878. A duplicate copy of this sheet is enclosed.

Respectfully submitted,  
Stout, Uxa, Buyan & Mullins, LLP

Date: May 6, 2002

  
Robert D. Buyan, Reg. No. 32,460

CERTIFICATE OF MAILING 06/03/2002 STHOMAS 00000002 500878 09758832

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on May 6, 2002. 01 EC:215 55.00 CH

Dated: May 6, 2002

By:   
Robert D. Buyan

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Attorney Docket No. MCRVT-023C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Horton, et al.

Art Unit: 3731

Serial No.: 09/758,832

Examiner: Thaler, M.

Filed: January 11, 2001

For: Insitu Formable and Self-  
Forming Intravascular Flow Modifier  
(IFM) and IFM Assembly for  
Deployment of Same

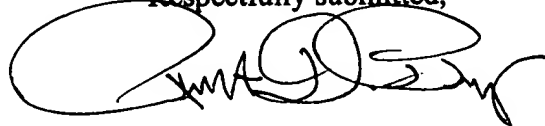
Commissioner for Patents  
Washington, D.C. 20231

**REVOCATION OF REQUEST FOR NON-PUBLICATION  
OF APPLICATION UNDER 37 C.F.R. § 213(a)**

Sir:

Applicant hereby requests that the above-referenced patent application, filed on January 11, 2001, **BE PUBLISHED** under 35 U.S.C. § 122(b). The Request for Non-Publication, which was filed with this continuation application was in error. The parent application Serial No. 08/668,229 has already issued as United States Patent No. 6,190,402, was published and has also been foreign filed. As such, this continuation application is not subject to exemption from publication.

Respectfully submitted,



May 10, 2002

Robert D. Buyan  
Attorney for Applicants  
Registration Number: 32,460

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on May 10, 2002.

Date: May 10, 2002

Signature:

Francine Sanders, Assistant

